

RECEIVED
CENTRAL FAX CENTER
SEP 29 2006

REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1-36 are currently pending in this application. Claims 1, 3, 5, and 12-36 have been amended. Applicant believes no new matter is introduced by way of this amendment.

Claim Rejections - 35 U.S.C. §102(b)

Claims 1, 2, 4-6, 10, 12, 14-19, 23, 25, 26, 29-32, 35 and 36 were rejected under 35 USC 102(b) as being anticipated by Sugita et al. (US 6,931,649). Applicant respectfully disagrees.

Sugita teaches an open and closing mechanism attached to the face of an optical drive. In other words, there is a door on the mechanism which is closed when a CD is in the drive. This is not a slot loading drive. Sugita teaches that the mechanism has a frame and an opening to facilitate optical disk insertion and ejection. Sugita also teaches an outer front panel which covers the mechanism and likewise has an opening to facilitate optical disk insertion and ejection.

Sugita does teach not a disk guide coupled to the functional bezel. The office action stated that items 25 and 26 of figure 3 are a disk guide. Applicant disagrees. Items 25 and 26 are clearly beams which make up the frame of the Sugita opening and closing mechanism:

"The frame body 17 is formed into frame-shape with beams 25, 26, 27 and 28. The beams 25, 26, 27 and 28 form marginal walls constituting the recording medium insertion path 19. An inner space enclosed with four beams 25, 26, 27 and 28 of the frame body 17 makes the recording medium insertion path 19." (Sugita, Col. 6, lines 16-22)

Thus it is clear from above that items 25 and 26 merely form an opening for the optical disk and make up part of the structure of the opening and closing mechanism. There is nothing indicated by Sugita to suggest that items 25 and 26 are any sort of disk guide. Furthermore in figure 9 Sugita shows that the optical disk 3 does not come into contact with item 25, thus clearly item 25 cannot operate as a disk guide.

Applicant's independent claims 1 and 25, and all claims dependent therefrom, require a disk guide coupled to the functional bezel. As shown above Sugita does not teach this claim limitation, therefore this rejection is improper and should be withdrawn.

Additionally, considering Applicant's amendments herewith, this rejection no longer applies as the office action has confirmed that Sugita lacks the claim limitations of a disk guide which facilitates proper insertion of an optical disk into an optical drive. With respect to claim 12, Sugita does not anticipate this claim with its limitation of a slot loading drive. Sugita is not a slot loading drive. Sugita's drive has a door which is closed when a disk is in the drive, which is different than a slot loading drive which does not have a door and which is open even when the disk is in the drive.

Claim Rejections - 35 U.S.C. §103(a)

Claims 3, 7-9, 11, 13, 20-22, 24, 27, 28, 33 and 34 were rejected under 35 USC 103(a) as being anticipated by Sugita in view of Kan-o (US 6, 910, 217). Applicant respectfully disagrees.

As shown above Sugita lacks all of required claim elements of the base claims upon which the above addition of Kan-o fails to remedy.

Kan-o teaches a optical drive with a roller mechanism to prevent scratching on the optical disk:

"In the disk drive unit using the roller 15 according to the second embodiment, the roller 15 is attached to slightly project from the edge

portion 3a of the disk insertion and discharge slot 3 in the panel 24 such that when the disk medium 1 deviates from a normal position at the insertion or discharge of the disk medium 1, the disk medium 1 comes into contact with the roller 15 and not the discharge slot directly, thereby protecting the data surface of the disk 1." (Kan-o, Col. 7, lines 27-35, **bolding added**)

Kan-o does not teach a ramp feature which points an optical disk down during injection and up during ejection, which is clear from the plain language quoted above. The roller is only intended to prevent scratching when the optical disk deviates from a normal position, thus the panel 24 was never intended to be a ramp feature or come into contact at all with the optical disk. Clearly the roller is a preventative measure only and not an element intended to cause a deliberate and consistent directional movement of an optical disk in one direction or the other.

Additionally with respect to claims 13, 20-22, 24 Sugita teaches away from the combination:

"Therefore, objects of the invention are to provide an open and close mechanism for a recording medium insertion path which prevent to insert a recording medium into a mechanical body by mistake, except in conditions of a record playback device receiving and ejecting a recording medium." (Sugita, Col. 2, lines 19-22)

Clearly Sugita teaches away from a slot loading drive, because as discussed above, a slot loading drive does not have a door mechanism. Thus a drive assembly with an open slot is not compatible with Sugita's objectives, because a user may insert a disc into the drive while another disc is already loaded.

As shown above this rejection is improper and should be withdrawn with regards to the non-cancelled claims and found inapplicable to the newly amended claims as well.

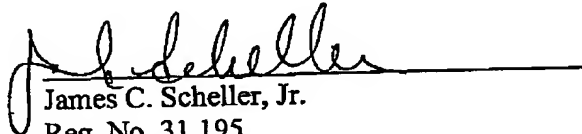
Applicant respectfully submits that in view of the amendments and arguments set forth herein, the applicable rejections have been overcome.

Please charge any shortages and credit any overcharges to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 9/29, 2006


James C. Scheller, Jr.
Reg. No. 31,195

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300